

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

CARPENTERS' DISTRICT COUNCIL OF)
GREATER ST. LOUIS, and JOHN P.)
MULLIGAN, PATRICK J. SWEENEY III,)
RENEE BELL, THOMAS G. HEINSZ,)
JOHN W. FISCHER, CARMELO D.)
CAPUTA, KEN STRICKER, JAMES P.)
SCHMID, KIRK VERSEMAN, ALBERT BOND,)
ROBERT CALHOUN, RON DISCUS, and)
ANGELO LANCIA, in their representative)
capacities as trustees of the CARPENTERS')
PENSION TRUST FUND OF ST. LOUIS, and)
TERRY M. NELSON, JOHN P. MULLIGAN,)
PATRICK J. SWEENEY III, RENEE BELL,)
THOMAS G. HEINSZ, JOHN W. FISCHER,)
CARMELO D. CAPUTA, KEN STRICKER,)
MICHAEL T. THUSTON, KIRK VERSEMAN,)
SCOTT BYRNE, ROBERT CALHOUN, RON)
DISCUS, and ANGELO LANCIA, in their)
representative capacities as trustees of the)
CARPENTERS' HEALTH AND WELFARE)
TRUST FUND OF ST. LOUIS, and)
TERRY M. NELSON, JOHN P. MULLIGAN,)
PATRICK J. SWEENEY III, RENEE BELL,)
THOMAS G. HEINSZ, JOHN W. FISCHER,)
CARMELO D. CAPUTA, KEN STRICKER,)
JAMES P. SCHMID, KIRK VERSEMAN,)
ROBERT CALHOUN, and RON DISCUS in)
their representative capacities as trustees of the)
CARPENTERS' VACATION TRUST FUND)
OF ST. LOUIS, and TERRY M. NELSON,)
RENEE BELL, PATRICK J. SWEENEY III,)
ROBERT BEHLMAN, THOMAS G. HEINSZ,)
DOYLE PAUL, MICHAEL T. THUSTON,)
TONY PRINCE, RON DISCUS, and ROBERT)
WOLF in their representative capacities as)
trustees of the CARPENTERS' JOINT)
TRAINING FUND OF ST. LOUIS,)
)

Plaintiffs,)

v.)

No. 4:07-CV-286 CAS

BAXTER CONSTRUCTION, LLC.,

Defendant.

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DEFAULT JUDGMENT

Plaintiffs filed this action on February 8, 2007 to recover from defendant Baxter Construction, LLC delinquent fringe benefit contributions, liquidated damages, and interest owed to the plaintiff benefit funds pursuant to the Employee Retirement Income Security Act, 29 U.S.C. §1132(g)(2) (“ERISA”) and pursuant to the Labor Management Relations Act, 29 U.S.C. §185 (“LMRA”). Defendant was served with the summons and complaint on May 18, 2007 and has not appeared. Plaintiffs move for default judgment, submitting in support of their motion the affidavits of Juli Laramie and Greg A. Campbell.

Under ERISA, 29 U.S.C. §1132(g)(2) and §1145, and under the applicable collective bargaining agreement, defendant owes \$4,573.45 in delinquent fringe benefit contributions, \$914.69 in liquidated damages, and \$679.66 in interest. The collective bargaining agreement and ERISA, 29 U.S.C. §1132(g)(2), also require defendant to pay plaintiffs' attorneys' fees and costs. Plaintiffs incurred \$496.50 in legal fees and \$580.70 in costs, for a total of \$1,077.20. Based on the evidence presented, the Court finds that the services performed by plaintiffs’ attorneys were reasonable and necessary to the litigation of this case, that the rates charged were reasonable, and that the amount sought for attorneys’ fees is reasonable. The total amount owed by defendant Baxter Construction, LLC is \$7,245.00.

Accordingly,

IT IS HEREBY ORDERED that plaintiffs' motion for default judgment is granted. [Doc. 5]

IT IS FURTHER ORDERED that judgment by default is entered in favor of plaintiffs and against defendant Baxter Construction, LLC in the amount of Seven Thousand Two Hundred Forty-Five Dollars (\$7,245.00), as and for delinquent fringe benefit contributions, liquidated damages, interest, and plaintiffs' legal fees and costs.

A handwritten signature in black ink, appearing to read "Charles A. Shaw", written over a horizontal line.

CHARLES A. SHAW
UNITED STATES DISTRICT JUDGE

Dated this 28th day of August, 2007.